

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTOR MANUEL DIAZ-LUCAS,

Defendant.

Case No. 12-cr-30242-DRH-5

ORDER

HERNDON, Chief Judge:

This matter was referred to United States Magistrate Judge Donald G. Wilkerson for the specific purpose of conducting a change of plea for defendant Victor Manuel Diaz-Lucas, pursuant to 28 U.S.C. § 636, LOCAL RULE 72.1(b)(2) and defendant Diaz-Lucas (Doc. 239). Pursuant to FEDERAL RULE OF CRIMINAL PROCEDURE 11, the change of plea hearing was held on July 25, 2013 (Doc. 238). During the change of plea, defendant Diaz-Lucas pled guilty to Count 1 of the indictment following a thorough colloquy with Judge Wilkerson. Thereafter, Judge Wilkerson issued a Report and Recommendation ("the Report") recommending that the Court accept defendant Diaz-Lucas' plea of guilty (Doc. 242).

In accordance with 28 U.S.C. § 636(b)(1)(B), the parties were allowed fourteen days to file written objections. As of this date, neither party has filed an objection. Therefore, the Court **ADOPTS** the Report in its entirety. Thus, based on the record in the case, the recommendation of the Magistrate Judge, the

consent of the defendant to plead before the magistrate without subsequent objection, it is the finding of the Court in the case of *United States v. Victor Manuel Diaz-Lucas*, that defendant Diaz-Lucas was fully competent and capable of entering an informed plea, that defendant Diaz-Lucas was aware of the nature of the charges and the consequences of the plea, and that the plea of guilty was a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. Accordingly, the Court **ACCEPTS** the guilty plea and **ADJUDGES** defendant Victor Manuel Diaz-Lucas **GUILTY** on the charges in the Indictment. The Court **REMINDS** the parties that this matter is set for sentencing on November 8, 2013, at 10:00 a.m.

IT IS SO ORDERED.

Signed this 13th day of August, 2013.

David R. Herndon



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David R. Herndon
Date: 2013.08.13
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Chief Judge
United States District Court